

I. Claims 1-29, 27 and 39, drawn to a memory device having a latency circuit and a method of controlling output of data from a memory device, classified in class 365, subclass 233.

II. Claims 30-36 and 38, drawn to a specific latency circuit having a plurality of pointers and a method of generating a latency circuit that controls output data from a memory device, classified in class 365, subclass 236.

In response to the Examiner's restriction/election requirement, Applicant elects, with traverse, to prosecute Group I including claims 1-29, 37 and 39. Applicant specifically reserves the right to file a divisional application directed to non elected claims 30-36 and 38.

With respect to Applicant's traversal, Applicant respectfully directs the Examiner's attention to M.P.E.P. § 803 which states:

"If the search and examination of an entire application can be made without serious burden, the Examiner must examine on the merits, even though it includes claims too distinct or independent invention." (emphasis added)

There are two criteria for a proper requirement for restriction. The invention should be independent or distinct, and

"2) there must be a serious burden on the Examiner if a restriction is not required. See M.P.E.P. §803.092, 806.04 A through J, 808.01(a) and 808.02."

Applicant respectfully submits that the Examiner would not be unduly burdened if forced to examine Group II. More specifically, the Applicants

expect that the Examiner will search in subclass 236 of class 365 during the examination of invention Group I. As such, the Examiner will not be unduly burdened by examining invention Group II.

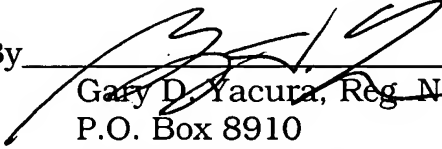
For all of the above stated reasons, reconsideration and withdrawal of the outstanding restriction/election requirement and favorable allowance of all claims in the instant application are earnestly solicited.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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By


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